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THE CITY CHURCH AND THE PROBLEM OF CRIME

A. M. TRAWICK

Secretary in the Student Department, International Committee
Young Men's Christian Association

I. EXTENT AND COST OF CRIME

To the ordinary reader of newspapers and current magazines it is a growing conviction that crime is on the increase in the civilized world. Making allowances for exaggerations and highly colored realism in the press reports, the fact that the environment of modern life is increasingly criminal cannot be lightly set aside. The conclusion is forced not only upon readers of popular news, but upon scientists and special students, that the tide of crime in all civilized countries is steadily and rapidly rising higher. Crimes against the person, such as murder, assault, rape, and felonious injuries, and crimes against property, such as theft, robbery, embezzlement, forgery, and wilful destruction, have during the last hundred years doubled or more than doubled in proportion to population in France, Germany, Italy, Spain, Belgium, and the United States. Even in Great Britain, where the appearance of crime has been less startling, it is held by careful students that offenses have really increased both in number and in gravity.

With conditions in our own country we are primarily concerned. The value of our political, judicial, and social institutions is in direct proportion to the protection we grant the sacred rights of personality and of property. What then are the facts regarding murder and theft?

In 1885 there were in our country 1,808 murders, while in 1910 the number had risen to approximately 10,000.¹ For the whole twenty-five years embraced in these dates there were not far from 150,000 murders in the United States. Homicide is far more frequent in the United States than in Great Britain in proportion to

¹ See *World To-day* for January, 1910, and the annual estimate in the *Chicago Tribune*.

the population. England with thirty million population has between three and four hundred homicides, while the United States with ninety million population has annually between six and ten thousand. Furthermore, legal executions for first-degree murder average with us about two in the hundred, while in England the average is fifty in the hundred. Lynching, a diabolical expression of private vengeance in contempt of law and order, is a phenomenon peculiar to the United States alone among civilized nations. Exact statistics are difficult to obtain, but it is safe to assert that during the past twenty-five years there have been not far from 3,300 lynchings in our land. The seriousness of this form of lawlessness is in no sense dependent upon the frequency of the occurrence, but upon the indifference of the general public when authoritative law is in any instance overthrown. Lynching is both an offense against the person and an attack upon civilization.

The number of persons who live wholly or in part by theft, embezzlement, forgery, and similar offenses cannot be accurately stated. Mr. Eugene Smith in 1900 estimated the number of such persons at 250,000 in the United States, and placed their annual income by means of misappropriation at \$1,600 each, or a total of \$400,000,000. In addition to this, there is the vast unnumbered host of grafters, petty thieves, and human parasites who live more or less entirely upon the proceeds of others' toil without adequate return in service rendered. No account is taken of their depredations, and they are not included in the records of courts and penal institutions, but they enormously increase the cost of security and weaken the whole social fabric.

Crime, being uneconomic and anti-social, pays no part of the cost either of its maintenance or of its correction. Aside from the small part which court fines and prison labor return, the burden falls upon the taxpayers and the owners of the property which is lost. The United States, according to figures generally accepted by students of the problem of crime, pays annually for police, criminal courts, prisons, jails, and other like institutions the sum of \$200,000,000, which added to the \$400,000,000 abstracted by thieves, burglars, and embezzlers makes a total of \$600,000,000 annually paid for crime. What the figures represent can be seen

in the light of worthy expenditures. We pay annually to wage-laborers in all manufacturing industries \$3,427,038,000,¹ to wage-laborers in mines and quarries \$606,135,238,² and for public-school education, including salaries of superintendents and teachers, buildings, sites, furniture, libraries, and equipment, \$426,250,434.³ In other words, the annual cost of crime is one-fifth the amount paid for wages in manufacturing industries, almost exactly the wages paid to laborers in all our mines and quarries, and approximately one-half *more* than the amount paid to build, equip, and maintain our public schools.

Furthermore, if the money spent for crime could be applied by taxpayers to the elimination of debt, in three years all the debts on farm lands in the United States could be paid and a considerable amount left over for improvements.⁴ In view then of the magnitude and increasing gravity of crime, of its menace to all classes of our population, and of its enormous financial cost, the problem of crime in modern life cannot fail to bring to all who seek the welfare of their fellow-men a sense of overwhelming obligation.

II. CAUSES OF CRIME

The causes of crime must be sought first of all in the individual and secondly in the environment surrounding the individual.

Men commit crime because they wilfully and deliberately choose the course of conduct that is wrong. Their wills weaken under the stress of improper motive and of unsubdued passion, and upon themselves is the responsibility of their acts. Undoubtedly more persons are criminal because of a wilfully depraved choice than for any other personal reason. A smaller number are criminal because of biological and psychological facts over which they have no control. For these, free will has no meaning whatever; their conduct is an automatic and instinctive response to impulse, their will is not stronger than their desires, and their choice is not different from their habits. If occasion arise, they will, out of sheer inability

¹ Abstract of the Thirteenth Census, section "Manufactures."

² *Ibid.*, section "Mines and Quarries."

³ *Report of Commissioner of Education*, 1911, Vol. II, Table 10.

⁴ Abstract of Thirteenth Census, section "Agriculture."

to do otherwise, commit acts which society designates criminal. Criminals of this group may be insane or morally irresponsible, or their lives may be on the borderland where any unusual stress or strain may plunge them down into the deep abyss of uncontrollable depravity. To detect this pathological bent and to prevent its activity is one of the most serious and delicate problems confronting organized society. The relation of insanity, congenital feeble-mindedness, and moral imbecility to crime is demanding the serious attention of physicians, jurists, and social reformers. The social conscience of the present day is concerned with the care and protection of this class of unfortunates and the prevention of their increase through marriage and family life.

A second group of causes producing crime may be designated as environmental. Under this head are included all those influences acting independently of the biological structure or the psychological habit of man, but entering into and augmenting certain potent tendencies and issuing in anti-social conduct.

Crimes against the person are more frequent in densely populated cities and in frontier communities than in agricultural countries, and more frequent in summer than in winter. Crimes against property are more frequent in populous cities than elsewhere, and more frequent in winter than in summer. Vagabondage has but a narrow line separating it from criminal conduct, and the ranks of vagabondage are swelled by the unemployed. Therefore, crime is interwoven with the labor problem. Chronic sickness, by reducing the powers of inhibition and by removing the means of honest subsistence, invites crime. Living conditions, overcrowding, the absence of recreational facilities, improper and insufficient diet, all tend to criminal conduct.

Society itself is a fruitful cause of crime when it fails to act consistently with its own best principles. It erects standards, but neglects to educate the individual in the value and use of its ideals, and the result is a bewildering confusion concerning what is the right course of conduct, or else a blundering attempt to set aside the common good. It is not true that the composite, incorporeal something we call society is to blame for all the wrong in human life, but it is one of the greatest of all errors for society to hold an

individual accountable for a course of life he is wholly unprepared to perform. The individual is under no greater obligation to learn than society is to inform and teach, and the results of ignorance are primarily chargeable to society. A highly developed civilization requires men to labor for their sustenance and justly holds that man a criminal who lives on the proceeds of the toil of others without in turn contributing his own labor. But society allows a man to be out of employment and to live indefinitely in the dangerous borderland of vagrancy, while his needs and desires are gratified by precarious methods. The result is restlessness, complaints, resentment, and abandonment of many restraints. Society requires men to submit to law and exacts penalties for its infractions. But it varies its law in different states, modifies or increases its penalties in different communities, and fails utterly to enforce many of its provisions. This causes many to look upon all law as arbitrary, vindictive, and trifling, and leads them to hazard their cunning against all social order. Society's indifference to its own law encourages many to resort to lawlessness, and to an execution of their own criminal impulses in defiance of authoritative statutes. Just as long as ignorance, oppression, injustice, and evasions are sanctioned by society, crime will be manifest in individuals and society will always have as many criminals as it deserves. The people, as the guardians of the functions of civilization, prepare the conditions of crime; the criminal is the agent in bringing them into deeds. "The problem of criminality is not an isolated one that can be dealt with by fixing our attention on that, and on that alone. It is a problem that on close view is found to merge itself largely into all those problems of our social life that are now pressing for solution; and in settling these, we shall to a great extent settle it."¹

Another fruitful source of crime is the treatment accorded the criminal. Primitive society regarded criminals as heroes, and a reminiscence of this instinct is discovered even today in cultured society. Men and women of all ages and ranks visit criminals in their cells, gaze upon them as upon creatures of a different order of creation, shower gifts upon them, seek relics of them, and in many revolting ways show an irrational interest in them, not because they

¹ Havelock Ellis, *The Criminal*, p. 371.

are human, but because they are criminal. Newspapers photograph them, take measures of them, and deliver to the public the most minute descriptions of their manners and their dress, thereby assisting a generation of hero-worshippers in the speedy imitation of their crimes. The emotional outburst soon expresses itself or is diverted into fresh channels, while the former subject of adulation is confined to prison where his education in social unfitness is continued with unabated zeal. He is visited with harsh or unmerited punishment, with little or no adaptation to his biological, psychological, or social history, is associated with older and more hardened offenders, or else himself becomes the teacher of the young and impressionable, and spends the term of his imprisonment without the aid which strengthens his tottering will or the guidance which directs his habits into channels of right living. By all these means the criminal himself is made the exciting cause of further criminality.

Society still receives into its favor men and women who manage artfully to remain within the boundaries of the written law but whose influence is as destructive of social order and well-being as that of any criminal behind prison walls. We allow jurors to sit in judgment upon a man's destiny who are as guilty as the prisoner at the bar. We send a sheriff who accepts graft to catch a thief. We put upon our school boards men who profit by the proceeds of saloons and disorderly houses. We have mayors and city commissioners who are companions of gamblers and prostitutes. We allow men to frequent our streets every day whose business it is to despoil children of their innocence. We ourselves, who make society, merit the indignant wrath of the writer of Proverbs against the woman who sat down to eat and wiped her mouth and said: "I have done no wrong."¹ A few enemies of society we place behind the bars, many others we salute with bared head on the streets.

III. THE CRIMINAL POPULATION IN PRISON

A small part of offenders against the rights of personality and of property are confined in prisons and jails. The larger number, and often the most dangerous enemies of society, are still in the exercise of freedom. We treat here of the segregated population.

¹ Prov. 30:20.

We have in our country 1,300 institutions for criminals, such as jails, workhouses, and penitentiaries. Reformatories, schools of correction, and houses of refuge, being a part of the educational system, are not included in this number. The number of inmates in institutions June 30, 1904, was as follows: in prisons, 77,269 men and 4,503 women; in jails and workhouses, 18,544 men and women; a total of 100,316 for a given day.¹ We have no means of knowing accurately the number of court sentences for each day of the year, but one day is a fair sample of all the others.

The vast number of men, women, and children passing every day of the year through jails, workhouses, and prisons is in large part a neglected population. It is customary for society to follow the arrest and trial of a chief offender with much curiosity; but in a few months after he has been imprisoned, he is forgotten. Day by day and month by month he drags out the weary procession of his hours of punishment, and except for a limited number of friends and relatives he has passed from public interest. A boy nineteen years of age was discovered recently by a boys' club worker as he emerged from the workhouse. His pitiful appearance stimulated inquiry, and it was learned that the boy had spent the larger part of his time since he was twelve years of age under confinement. He began his career with no greater offense than sleeping in empty boxes and ash barrels or in open doorways, because the crowded condition of his home offered him no comfort, not even so much as a place to sleep. For this offense he was arrested and taken to the police lockup; but nothing was done to improve the living conditions at his home and so his offense of sleeping outdoors was repeated. He soon became acquainted with older men in the county and city jail, and in the absence of better training he became an apt pupil in this school of vice. At nineteen he was a shuffling, stoop-shouldered, shiftless boy who expected nothing but to be arrested again and given another workhouse sentence. Society was the chief offender against this boy; the community sinned, the boy was the victim.

Last summer there was discovered in a county jail a girl twelve years of age who had spent two years in this confinement without

¹ Bulletin of Twelfth Census, 1904.

any other association than that offered by adult criminal inmates. The better citizens of the town were either unacquainted with the fact or unconcerned about its serious consequences. In either case a very clear social duty was neglected.

In city workhouses there can be found women, both white and colored, occupying the same cell without the possibility of privacy or decency; often without mattress or bed clothing of any kind; without change of clothing, and with no companionship except that afforded by other inmates of the cell. At some workhouses there are no matrons, the supervision and management being entirely controlled by men. Such conditions proclaim an apathy of society as shameless as any misdemeanor which the imprisoned women may have committed.

Prisoners in stockades are confined at night in bunks located in wooden buildings and they are locked to a long chain that passes through the entire length of the building, the chain being fastened to a post in the yard. In these bunks the inmates sleep on straw mattresses and in wintertime the room is heated by an open stove. The keeper who has the key to each man's lock sleeps in a room outside the stockade. In case of fire it is often utterly impossible to rescue the men who are helpless in such a trap. A prison of this character recently burned in a southern state and twenty men perished in the flames. The prisoners were convicts, but society murdered them.

A murderer who was recently executed by hanging at a state penitentiary, was confined in the jail of the county where the crime was committed for months before and during the time of the trial. He was never visited by a religious man or woman during the entire time of his imprisonment in the county jail. It was only after his conviction and sentence, and his removal to the capital city to await execution, that he had the benefits of religion offered to him. Our Lord himself pronounces the judgment against a community that forgets its prison population.

The evils of county jails, workhouses, and stockades may be summarized as follows: bad sanitation, lack of cleanliness and decency, idleness of the prisoners, intermingling of youthful offenders with older and hardened criminals, the absence of any

system of training or instruction which could prepare an offender for a better life of freedom, the presence of insane persons, the failure to provide for recreation and physical improvement, and the indifference of religious people. Nothing can be said in favor of the system that confines boys in county jails and no excuse can be offered for failure of Christians to extend the benefits of religion to those who even for a short period are deprived of their liberty.

In Tennessee there are forty counties which report definitely that no religious services are held for the prisoners; sixteen counties report that religious services are held at irregular intervals, one of them stating that four services have been held in six years. Only eleven counties report regular weekly religious services for prisoners.¹

The interests of society and of the prisoner are identical. Failure to perform its part well or to neglect all possible means for the regaining of offenders to a well-ordered life renders society as reprehensible as the flagrant infraction of the laws. After offenders are convicted of crime and conveyed to penitentiaries, interest in their welfare does not rightly cease. A convict is still a member of society and justly merits as much solicitude as any other member. The responsibility of the community concerning the prisoner touches upon his discipline, labor, intellectual advancement, physical improvement, and religious training, all of these being essential to a self-controlled and well-directed life.

Discipline is necessary in the conduct of prisons, for without it the prisoner would be in even a worse plight under the confinement than he was in freedom. Two ideas of prison discipline have occasioned long and not unfruitful controversy. The first is the Pennsylvania system, which means the isolation of prisoners by day and night; the second is the Auburn system, which means isolation at night only and compulsory silence in association. These ideas do not exhaust all that is essential in prison discipline. The punishment of the prisoner is a matter of serious importance. Under the influence of the late Dr. E. C. Wines, the state of New York abolished by law punishment by lash, the so-called water cure for disobedience, and "crucifixion," which was inflicted with a yoke.

¹ *Report of the Board of State Charities for Tennessee, 1911.*

Since Dr. Wines's day the imposition of punishment in either of these forms has been illegal, yet some form of restraint is essential. Deprivation of pleasures and the recognized connection between offenses and suffering are always elements in the building up of weakened character. Men because of weakness rather than because of strength commit most of their crimes, hence the discipline to which they are subjected should be directed toward strengthening rather than crushing them.

The effectiveness and justification of punishment are to be found in the spirit and motive with which it is administered. Says Dr. Frederick H. Wines:

Corporal punishment is the application of physical force; an endeavor to coerce the spirit of a man through arguments addressed to his body alone. It is an appeal to his lower nature, to his fears; its tendency is to make him a coward and a brute. A prison governed by force and fear is a prison mismanaged, in which hope and love, the two great spiritual, uplifting, regenerating forces to which mankind must ever look for redemption, are asleep or dead.¹

The second necessary item in prison management is the labor of the convicts. Confinement without labor is both ruinous to the prisoner and an unjust tax upon free labor outside the prison. The system that allows only a small percentage of the prison inmates to work is a self-confessed failure, for a man, even though he is deprived of liberty, is still entitled to the divinely conferred privilege of gaining his bread by the labor of his hands. A more heartless method of inflicting punishment cannot be visited upon anyone than enforced idleness or useless toil. The labor of prisoners, therefore, is based upon the same principles as the labor of men in the exercise of freedom.

Prisoners should be put to work at congenial and productive labor and their imprisonment should be made an opportunity for learning a trade. It is estimated that from 75 to 85 per cent of convicts have no trade and do not know the value of steady labor in securing an honest living. But after a convict begins to labor in imprisonment, neither the state nor the contractor should be allowed to claim all the profits of his toil at the loss of the family which is deprived of his possible industrial gains. A well-regulated prison system will allow at least a fair proportion of the prisoner's gains

¹ Charles R. Henderson, editor, *Prison Reform*, p. 12.

to be devoted to the maintenance of his family. A convict who spends years of his life at labor which enriches a contractor is entitled to something more than a suit of shabby clothing, a railroad ticket, and a few dollars charitably donated when his time of release arrives. He is entitled, if he earns it, to his restored manhood and to the wages of an honest day's toil. If his criminal conduct resulted from vagabondage, the more important it is that he should learn the valuable lesson of honest labor honestly compensated. Prison systems should provide for the intellectual training of inmates under sentence. The dominant idea in every penal institution should be instruction looking to moral, intellectual, and industrial ability. If this motive should penetrate the management of prisons, every institution in the land would instantly become a reformatory and would necessitate the appointment of prison officers capable of contributing to the constructive life of the nation. Intellectual training should begin with the most elementary courses of instruction, proceeding through the branches taught in the grammar schools and high schools, and embrace a partial college course. Prisoners should be allowed to devote a part of the best hours of the day to intellectual studies. They should not be required to give to this part of their training the closing hours of the day after their strength has been consumed in physical toil.

No prison system is complete without preparation for the physical improvement of the men who are in need of it. The prevailing view that convicts are strong men who must be subdued gives way before the results of careful study of the actual conditions in which men enter confinement. They are weak men who must be built up. Mr. Z. R. Brockway, who has given more than fifty years of his life to the management of prisons, gives this testimony:

Physical renovation and training for mental quickening, with the view to moral training, should have important place in any rational system of reformatory prison discipline; and it is indispensable for some prisoners, if they are ever to be reformed. There are many cases in every company of prisoners where physical culture must precede and render possible a common education, and care should always be exercised to secure good health for the moral benefits of it. Dietary, dress, personal habits and manners, gymnastic exercises, regular bathing, freedom from drugs, drink, and irregular habits and late hours are valuable items in strengthening degenerate character.¹

¹ *Penal and Reformatory Institutions*, pp. 190-91.

Upon this point, Dr. Charles R. Henderson says:

The definition of education in our day includes physical development, the increase of energy and health. It is seen that many men have been deformed by their occupation, weakened by their vices, and unfitted for their tasks because they have not adequate strength. The modern teacher knows the value of physical soundness and power in relation to the development of intelligence and will. The character of the prison population makes this factor of modern education essential.¹

A well-developed system of prison management embraces provision for the religious training of the convicts. Pure religion that teaches the possible regeneration of every man is applicable to the inmates of jails and penitentiaries. The moral and religious character of the prison officials should be a prerequisite to their appointment, and no man should be chosen for this responsible position whose only qualification is his power to shoot a pistol or wield a club. Definite instruction and training in religion should be generously provided by the state. Some of the prisons of the land discourage the presence of a resident chaplain, because too often that official has accepted only a perfunctory view of his responsibilities and has been a detriment rather than an aid to moral progress. But a chaplain of intelligence, consecration, and an unshaken faith in the possibilities of humanity has in the community of prisoners a missionary opportunity of profoundest value. It would be a sad day for the world if the consolation of pure faith were denied the men who suffer on account of their misdeeds—a sad day for the best religion of our churches and homes. The gospel which has power to regenerate the warden, the guards, and the criminal in stripes is the greatest and final need of our prison systems.

The duty of the state is not discharged with the punishment or even the reformation of the prisoner. The state has an obligation to the released prisoner to enable him to make the best of his life after the expiration of his sentence. The arguments which put upon the state the obligation to restrain men from the commission of crime requires of the state also to prevent the repetition of the crime after the criminal has suffered punishment. Amos W. Butler,

¹ *Ibid.*, p. 221.

president of the American Prison Association, utters these strong words:

Why should we help the discharged prisoner? Not because he is a criminal and has been a prisoner, but because he is a man and needs help. That is the unselfish reason. Proper after-care of the discharged prisoner is right for the protection of society. That is the selfish reason. While the men and women who are discharged from our prisons should be aided, what is done for them should be to help them to help themselves. As a rule they should be helped by giving them work. Employment and personal friendship are the things most needed.¹

Many agencies are at work for the benefit of the released prisoner. The Pennsylvania Prison Society is one of the oldest and most honored of these agencies. It was organized in 1776 and continues to this day to offer encouragement and help to the prisoner in confinement and in the life of freedom.

In 1896 Mrs. Maud Ballington Booth began work among the prisoners at Sing Sing, New York. For the moral and spiritual benefit of the prisoners she organized the Volunteers' Prison League. From this beginning her work has extended to twenty-one state prisons and two federal institutions, with "Hope Halls" in many of the larger cities of the country. Members of these prison leagues number more than 60,000 men and women, and Mrs. Booth expresses her belief that 75 per cent of the men and women to whom help and encouragement have been given are leading honest and faithful lives.

The Salvation Army also renders excellent assistance. A recent report states that more than 55,564 prisoners have been advised and prayed with, and that in 1908, 5,182 discharged prisoners were given assistance.

Among the prisoners' aid societies in the United States, in addition to those mentioned, which are laboring for the character and usefulness of the discharged prisoners are the following: Massachusetts Society for Aiding Discharged Convicts, the Maine Prison Association, the Prisoners' Aid Society of Rhode Island, the Prison Association of New York, the Woman's Prison Association of New York City, the Connecticut Prison Association, the Society of the Friendless, with headquarters in Kansas City and branch associa-

¹ *Penal Reformatory Institutions*, p. 328.

tions in the various western states, the Nebraska Prison Association, the Prison Reform Association of Louisiana, the Prison Association of Georgia, Prisoners' Aid Association of Maryland, the Colorado Prison Association, the Philadelphia Home of Industry, the Philadelphia Door of Blessing, the American Society for Visiting Catholic Prisoners, the Central Howard Association of Chicago, and the American Prison Association, which seeks to extend its influence throughout all the states of the Union.

IV. SOCIAL CURE AND PREVENTION

The history of punishment is full of the ideas of retribution and vindictiveness, of attempts to deter crime by coercion and to preserve society by force. All of these notions have had a decisive influence upon the treatment which has been visited upon the offender; but gradually through the years the idea of reformation has arisen to displace all other conceptions of the meaning and function of imprisonment and punishment. Reformation has for its central thought the eradication of offense against social well-being. If the prisoner can be established in his rightful place in society, becoming a law-abiding and useful member of the community, then a better result has been achieved than can possibly be claimed by any vindication of the dignity of the state or by any suffering which the guilty man may endure because of his evil deeds.

At the heart of the reformatory idea is the indeterminate sentence, which is a term without legal definition and without clear meaning in the minds of those who make use of it. No state has given full legal sanction to the indeterminate sentence, and it is doubtful if the term has a logical place in the interpretation of criminal law. But the idea contains a hope that in the United States violators of the law may be elevated into law-abiding and useful citizens.

The substantial fact is that the American public has entered upon a new era of criminal law and the phrase "indeterminate sentence" is the watchword of the movement. From the beginning the members of the legal profession, and properly, as conservators of the rights of men against executive arbitrariness, have looked with suspicion on the undue extension of the powers of an administrative board in restraining convicts, even when on conditional parole.

This antagonism has broken out in violent speech of heated controversy, and the parole law has been arraigned before the public as giving free and unjust control to the executive branch of the government.¹

But whatever may be the controversies between the judicial and executive branches of the government over the constitutional question, the fact remains with an enlarging number of intelligent men and women that the saving of a life is a more important matter than the definition of judicial powers or the extension of executive functions. Judge John Franklin Fort, former justice of the Supreme Court of New Jersey and late governor of the state, testifies to the worth of the indeterminate sentence:

Given the right conditions and an impartial, non-partisan tribunal to control discharges, I would favor its application to all offenders. I would go still a step farther. I would have neither a minimum nor maximum term fixed by statute, and possibly not by the sentencing court. The proper way to cure those who are really criminal is as you cure other diseased persons; namely, keep them under treatment until they are cured, or at least so nearly cured that they may be discharged safely.²

The idea that violators of law would be shut up within prison walls to suffer punishment a certain number of days has been outgrown, and in its place has arisen the theory that the confinement should fit the needs of the prisoner. Hence a prison sentence has something of the nature of a term in the hospital; a disease is to be cured irrespective of the days necessary to affect the cure. The parole system is a vital part of an effective cure. Sympathetic care, wise and unimpeachable prison officers, a parole board composed of intelligent and painstaking persons, can often accomplish more toward the cure of social ills than repeated prison sentences prolonged to an indefinite length. A prison conducted on this basis becomes an institution where law-violators learn the anti-social nature of their ways, where they acquire knowledge of the meaning of laws, and are brought, perhaps for the first time, to an understanding of the value and purpose of organized society. In such institutions the inmates are graded according to their efficiency in intellectual training, their readiness to acquire a trade and their

¹ Charles R. Henderson in *Introduction to Penal Reform*.

² Quoted by Dr. Henderson, *ibid.*

response to the demands of moral conduct. When a necessary degree of proficiency in all these particulars has been obtained, conditional release may be granted. After observing the terms of the parole for a sufficient length of time, the offender may be restored to his unconditional freedom in society.

It has been found in all institutions where this system is in operation that boys and young men respond readily to the treatment, and, more often than otherwise, they develop into honored members of the community. Even old men who have spent years of their lives at one prison sentence after another, and women even from the most degenerate conditions of life, respond to the sympathy and kindness embodied in this hopeful method. Institutions of such varied experience as the Elmira Reformatory, the Bedford Reformatory for Women, and the Pennsylvania Prison System report that from 80 to 85 per cent of the persons who are given the benefit of the parole prove faithful to its terms.

A vivid light is thrown upon the value of the probation system by a study of the work at the State Reformatory for Women at Bedford, New York. In one year 212 women were brought into that institution. Among these 18 were afflicted with venereal diseases, 2 had tuberculosis, 9 had given birth to illegitimate children, 2 had tattoo marks, 1 had paralysis, 1 had spinal curvature, 8 had the morphine or drug habit, 1 had epilepsy, 2 were blind in one eye, 16 were distinctly alcoholic, and 1 was in the first stages of dementia. In the face of this appalling degradation and degeneracy, the reformatory worked with unceasing hope and courage. Only five of the inmates remained in the institution during the entire time of their commitment. All the others were put out on parole, and only 19 of the number violated their parole and were returned to the institution. All the others were making progress in the struggle for life and character under the probationary treatment when the last report was issued.

Is the parole then justified? Without attempting to settle the legal or constitutional questions involved, the conclusion is safely reached that if the prisoners are not reformed and regained to an honest life by this system, nothing can be expected in the way of their improvement from the old system. If sympathy and hope

do not produce the desired effect, little is to be expected from compulsion and repeated sentences. Untested power of reformation lies in the simple disinterested love of one human being for another, even when one of these is a broken, defeated, misshapen convict.

The intelligent way to cure criminality is to begin before the crime is committed. The first work is with society itself, for it is true, as we have often been reminded, that society may have as many criminals as it is willing to pay for. If we are content to give little attention to the whole structure of society, we must continue to expect the unfailing line of degenerates and criminals. No amount of force expended upon the criminal himself will destroy crime or protect society. There is a cure which aggravates the offense. "Offenders are photographed, measured, and impressions taken of their fingers and thumbs. What we have not analyzed and photographed in this way is ourselves, our attitude toward the offender and his crime, the mechanism that we have applied to treating that offender, and the results upon his later life and upon society of the penalty we have imposed."¹

The Prison Congress at Cincinnati in 1870 uttered in its declaration of principles the following warning:

While this congress would not shield the convicted criminal from the just responsibility of his misdeeds, it arraigns society itself as in no slight degree accountable for the invasion of its rights and the warfare upon its interests, practiced by the criminal classes. Does society take all the steps which it easily might to change, or at least to improve, the circumstances in our social state that lead to crime; or, when crime has been committed, to cure the proclivity to it generated by these circumstances? It cannot be pretended. Let society, then, lay the cause earnestly to its conscience, and strive to mend in both particulars. Offenses, we are told by a high authority, must come; but a special woe is pronounced against those through whom they come. Let us take heed that woe fall not upon our own head.

The juvenile court is an attempt to photograph and measure society rather than the criminal. Dr. Hastings H. Hart declares that the idea underlying the juvenile court is the state *for* the child and not the state *versus* the child.

¹ Allen, *Efficient Democracy*, p. 183; see also Devine, *The Spirit of Social Work*, p. 106.

The essential features of the court which attempts to deal with delinquent and dependent children may be thus summarized:

A model court building.—In order to avoid the noise, confusion, and publicity incident to ordinary criminal court procedure, separate buildings or rooms are provided for the hearing of children's cases. The city of Milwaukee furnishes a striking example of such a building.

A children's judge.—In order that the judge may come into personal, friendly relation with the children, he should be selected to preside over this court with a view to his humanitarian impulses. He should not only thoroughly understand child nature but should also have the ability to inspire the confidence of children who are brought before him.

A probation system.—Without probation officers the children's court system is futile. These officers are either paid by the court, or by a philanthropic society, or they are volunteer workers. They become friends and advisors of the children and they are an indispensable aid to the court in arriving at the facts concerning children's delinquencies. The city of St. Louis gives an inspiring example of a thoroughgoing probation system.

A detention home.—It is never safe to confine children in jail, either before they are brought to trial or after sentence by the court. The detention home is not a prison, but as nearly as possible it is a children's home, equipped with schoolrooms, outdoor gardens, and playgrounds—all that it is possible to do to make a substitute home for a child. Life in a detention home does not put upon a child the taint of a criminal sentence. The benefits of such a home have been made famous by Judge Ben Lindsey in his treatment of delinquent children in the city of Denver.

Medical treatment.—In some courts as high as 80 per cent of the children are found, upon examination, to be in need of special medical treatment. A well-organized children's court makes provision for the physical deficiencies which accompany so large a part of child delinquency. The city of Chicago also adds a clinic for the treatment of mental troubles.

A reasonable expenditure of money.—The average amount spent on each child in the juvenile court in Manhattan and the Bronx is

\$5.00, in Brooklyn \$3.40, in Chicago \$39.00, in St. Louis \$12.00, in Washington City \$10.50, in Buffalo \$15.00, in Denver \$10.00, in Boston \$7.50, and in Philadelphia \$15.00. The city of Denver in one year spent \$20,000 on 823 delinquents and dependents, and the city of Chicago spent \$133,000 on 3,300 juvenile court cases.

The number of children passing through the court in one year may be seen from the accompanying table.

City	Population	Children in Court
New York	2,602,623	11,494
Brooklyn	1,634,351	4,176
Chicago	2,185,283	3,345
St. Louis	637,060	2,546
Buffalo	423,715	1,092
Denver	213,381	986
Boston	670,585	1,591
Philadelphia	1,594,006	3,491
Total	10,051,013	28,721

In the year 1911 the juvenile court of Columbus, Ohio, had before it 623 children against whom almost every degree of offense was charged, from larceny to swimming in the city parks. Petit larceny was charged against 170 boys, truancy against 100 boys, incorrigibility against 40 boys and girls, vagrancy against 13 boys, destroying property against 10 boys, and hopping street cars against 15 boys; 93 girls were charged with immorality and 11 with truancy; 26 girls and 4 boys were found affected with loathsome diseases; 4 children were imbecile and 1 was insane.

In dealing with these children the court recognized its limitations and declared in the annual report:

We feel that it is the business of the court to keep children out of institutions. When children are brought before us, we try as far as possible to keep their homes intact. Parents are placed on probation and visited once or twice a week by officers of the court. But when it becomes necessary to break up a home, or in the case of homeless children, we feel that society owes to that child the right to develop in a normal family life, and not to be subjected to the shriveling atmosphere of even a good institution.

Again the court declares:

The number of repeaters who come before the court is quite too large. This is a reflection on the probationary treatment of those children. When

society recognizes the reproach resting upon it for the condition in which these children find themselves, this number can be materially reduced. Probationary treatment resolves itself into constructive friendship with the child and often with his family. Too frequently the cause of the delinquency may be traced back to the home. But we should not stop there. What are the industrial and economic conditions that are pressing hard upon their home? If it were possible to follow us into the homes of these children and find opening up in the background of the child's life a whole inheritance of social injustice and neglect, we cannot but feel that society would be aroused from its indifference to the problems that concern us as a nation, and to a realization of the fact that until these problems are solved, we cannot do justice to the nation's children.¹

Dr. Henderson also speaks to the point:

In our most advanced juvenile courts we have the model; a physician and a trained psychologist study the immature young person and with the aid of the probation officers who know the home, lay before the judge all the data necessary for the choice of methods. This is plain common-sense.²

In its work with children who display criminal tendencies the juvenile court is no longer an experiment; it is a recognized necessity and will continue to prove its usefulness. But something more fundamental than even the best court procedure is needed in order to save the children and prevent the wreck of their lives. Greater care must be devoted to the food, clothing, and habits of infants, so that they may be permitted to enter upon maturity with strong bodies and minds not dwarfed by neglect. The open saloon with its contamination of unsuspecting lives must be utterly abolished, because as a breeder of crime it has no equal in civilization. Childhood must be protected from the degrading influences of impure pictures, vicious associations, indecent suggestions, and must be taught to be reverent of God, thoughtful of others, and careful in the formation of personal habits. Children must be given the opportunity of play and amusements under wholesome surroundings, and at whatever cost to the parents the children must be protected from those persons and agencies that produce a morbid brooding over dangerous things, or that tend to an erotic temperament or a seclusive disposition. If childhood is not happy, healthy, confident, and spontaneous it is in danger. Should anyone object

¹ *Fifth Annual Report of the Juvenile Court, Franklin County, Ohio*, p. 8.

² *Penal Reform*, editorial introduction.

that this is too idealistic and utopian to be of practical value, it is sufficient to reply that every good family in the land is seeking to provide just this environment and training for its own children, and children's protective leagues and associations of mothers are striving to make the same things possible for all other children. What the best people deem necessary for their own cannot be less valuable for the children of the unfortunate. Nothing short of these things will organized society do for the childhood of the nation when it becomes seriously determined to prevent criminality in the land.

As a preventive of crime, the education of all the people becomes an imperative necessity. Ignorance is no asset in national well-being, but rather, with its unvarying accompaniments of superstition, prejudice, and false reasoning, it is an anti-social menace and the active enemy of orderly progress. No civilized country of the world presents such startling contrasts of intellectual light and darkness as the United States. Says a writer in the *Annals*:

In America, where we offer more education to every citizen than does any other country in the world, there are more people who cannot read and write in any language than there are in any other constitutional country in the world. The attendance upon the primary school is less complete and regular than in any other well-ordered nation upon the globe. In Chicago or New York there is a much larger percentage of people ten years old or more who can neither read nor write than there is in London, or Paris, or Berlin, or Zurich, or Copenhagen, or even Tokio.¹

Horace Mann, speaking of the definite relation between ignorance and crime, advocates compulsory education as a cure of criminal tendencies and to that end advises the maintenance of public schools sufficient for all the children of the nation of school age, taught by persons of the highest intellectual and moral qualifications.²

Intellectual development alone will never be sufficient to cure or prevent criminal conduct. It may, indeed, if unattended by moral awakening, increase the capacity for certain forms of social offenses. But education in its true content is the harmonious

¹ *Annals of the American Academy of Political and Social Service*, March, 1909, Supplement.

² Horace Mann, *Education and Crime*, Bulletin of the Bureau of Education.

development of the mental and moral powers and is not complete until the power to labor and to think is stimulated by motives of the greatest personal and communal worth. In its broad and only true meaning, education is a fitness for complete living, and as such is one of the strongest forces for the elimination of crime.

We should go farther in our educational processes and seek to assist every child in finding a congenial and worthy vocation for life. The mental and industrial training in our public schools is only a very short step in the direction of adequate guidance in the selection of a life vocation. The natural adaptation of every child should be discovered as early as possible, and he should on the basis of that adaptation be encouraged to select a calling that will be worthy of lifelong attention. This is a task of almost overwhelming magnitude, and far above the average teacher in the public schools and the Sunday schools. But it is a task to which we must direct all of our consecrated energies if we ever hope to prevent the continued wreck of life. We have lived too long under the persuasion that men can be of little use to others in the selection of a worthy life-work. But it is no more true that God works alone in calling men to their vocations than that he works independently of men in spreading the gospel over the earth. It is profoundly true that when we attempt to aid men to find their life-calling we are entering into the very holy of holies of their motives and desires, but for that very reason when we take advantage of it we erect one of the strongest barriers against the flood of criminal action. We are striking at the very root of crime when we give life an interest in an adequate and worthy enterprise.

Along with the protection, education, and vocational guidance of childhood, must proceed the constant, prompt, and just enforcement of law. It is doubtful if anything in our national life gives more encouragement to vice and crime than the failure of society to enforce its own laws. When the rulers and public officers neglect the law, the public holds it in contempt, and when the law fails, national character declines. Civilization needs just and reasonable laws no more certainly than it needs just and reasonable enforcement of their provisions, and nothing but decay and degeneracy results from shuffling evasions.

In American cities at the present day we witness the amazing spectacle of candidates for public offices deliberately announcing to the voters that if elected they will not enforce the laws. In communities where such a declaration is possible it is invariably the influence of the saloons, the gambling-hells, and disorderly houses that render candidates bold enough to utter, and the public unalarmed to hear, a program of lawlessness. Saloons, gambling-dens, and houses of prostitution are essentially illegal in their operations, and the community that is willing to tolerate them is willing also to treat with shameless contempt its courts, its educational institutions, and its churches. Crime will never cease in a community where the moral sentiment regarding all lawlessness sinks to the level of complacent indifference; but where the public conscience is alert touching all matters of law enforcement, crime will assume its proper place in society—on the run, with law in full pursuit.

The responsibility of the nation touching the removal of crime will never be discharged without appeal to religion. As a social factor nothing is more powerful and indispensable than pure, untainted, unselfish religion, for religion is love and love is social completeness. The primary concern of religion is character in man, and character is the course of life that issues from the strongest choice. Religion purifies the conduct by giving strength to the better motives and desires which play upon the will. Sufficient power is found in religion and in religion alone to give stability to the will amid all the adverse forces that seek to sway it, and it is this divine power that shall finally abolish crime from human conduct.

V. WHAT SHOULD THE CHURCHES DO ?

At the first session of the Southern Sociological Congress in Nashville, 1912, Louis J. Bernhardt spoke on prison reform. He said in substance: "What is most needed in prisons is the religion of Jesus Christ; but that religion is more than a Sunday school or a prayer-meeting or a preaching service conducted by the chaplain. It is a reordered life in the prisoners, in the warden and prison officials, in the contractors, in the legislators who make the laws for prison regulation, and in the general public from which the prisoner comes

and to which he returns upon his release." This is a large program, but it is without question the final solution of the prison problem.

The first work of the church, therefore, is the education of the public regarding the conduct of prisons, the cause of crime, and the reformation of all life, both within and without the prison walls. Former police commissioner of New York City, Mr. Bingham, declared that crime was bought and sold just as any other article on the market. The revelations that have recently come to light following the murder of a notorious gambler in the city of New York give a horrifying revelation of police complicity with crime and vice, and has forced this question again upon the public attention. The problem of the church is to strike at crime at its foundation.

Many persons who commit crime are just ordinary men and women. It is fruitless to look into society to discover a criminal class or to mark out certain physical marks that will infallibly reveal the criminal. Except the relatively small number of inborn or instinctive criminals, the insane and feeble-minded, the ranks of the criminals are filled by men and women capable of better things. Their trouble is not inborn, but acquired. Maud Ballington Booth cannot be contradicted when she declares: "That there is no criminal class has been demonstrated clearly to everyone who is in close touch with the world within the prison walls. This great family within the shadows is made up of units drawn from every circle of society, from every kind of home."¹

Accepting criminals as they are in their weakness and their possible improvement, the church must approve the system of treatment that promises the greatest rewards in restored manhood.

Dr. Henderson reinforces this opinion: "It begins to dawn on some of the judges that ordinary adult criminals are a little more than youth; untaught, ignorant, perverted by their education, without the power to make moral distinctions clearly and sharply, and trained in social neglect to a false attitude toward law and order."

The church should teach with unceasing emphasis that responsibility for a child's conduct begins not with the birth of the child, but many years before that event. Said a parent whose child was

¹ *An Open Letter to Society from Convict 1776*, Introduction.

before the judge of a juvenile court: "I do not understand why my child acts so; I have done everything for him since he was born." The Judge replied: "But you did not do everything for him before he was born."¹

Remembering that criminals under commitment by courts are only a part, and the smaller part, of the whole criminal population, we may consider with interest the facts bearing upon the hereditary traits of criminality.

Of the inmates of the Elmira Reformatory nearly 12 per cent have been of insane or epileptic heredity. Of 233 prisoners at Auburn, New York, 23.02 per cent were clearly of neurotic origin. Marro, who has examined the matter very carefully, found the proportion affected by supposedly hereditary diseases to be 77 per cent, and by taking into consideration a large range of abnormal characters in the parents, the proportion of criminals with bad heredity rose to 90 per cent. Tarde asserts that 46 per cent of delinquents have had alcoholic parents, and adding those who have had epileptic and hysterical parents and those whose parents were themselves criminals, he raises the proportion of criminals with bad heredity to 90 per cent.²

The social recognition of the family is an imperative duty that cannot be evaded. Instinctive and professional criminals have no right to multiply their kind upon the earth. For an improved family life the church must advocate three principles: (1) Give to every child ill born care and protection against his evil bent. (2) Give to every child well born the opportunities to express his best nature. (3) Give to every child about to be born a better individual and social inheritance.

One of the most interesting and instructive methods for the study of prison reform is embraced in the life and character of prison reformers. Every church should have study classes, devot-

¹ The relation between heredity and crime is not so clearly established as the relation between heredity and pauperism. Says Dr. Henderson: "Crime is never inherited." A child, however, may inherit weakness, incapacity, or perversion which unfits it for adjustment in normal society and renders its education or training impossible. See an illuminating discussion in *Preventive Agencies and Methods*, chapter on "Inherited Defects."

² Parsons, *Responsibility for Crime*, p. 75. Weakness or incapacity in parents may be reproduced in various ways in their children: in boys it may develop a tendency to pauperism or crime; in girls it may take the form of sexual irregularities. Prostitution in women is the analogue of pauperism, vagrancy, or crime in man; see R. T. Dugdale, *The Jukes*, and O. C. McCullough, *The Tribe of Ishmael*.

ing part of their attention to the study of men and women of modern times who have done most to alleviate the lives of prisoners and the recognition of social responsibility. Among those who may be studied with interest and profit are: Z. R. Brockway, Samuel June Barrows, Rutherford B. Hayes, E. C. Wines, F. H. Wines, Theodore W. Dwight, Edward Livingston, Dorothea Lynde Dix, Ellen Cheney Johnson, and Gardiner Tufts.

Every church should undertake an investigation of local conditions. Printed questions should be prepared on suitable cards and put in the hands of intelligent men and women who should use them to tabulate the facts and make suitable reports. These cards could be prepared to cover the following topics:

I. *Jails, workhouses.*—(1) Are children confined in jails and county workhouses? (2) Are children separated from older offenders? (3) What provision is made for women prisoners? (4) How long are prisoners confined before being brought to trial? (5) What are the sanitary conditions? (6) What industrial, intellectual, and moral training is provided for prisoners? (7) What religious services are conducted?

II. *Concerning state prisons.*—(1) What manual or industrial training is provided for prisoners in state institutions? (2) What courses of instruction are offered for intellectual training? (3) What efforts are made to improve the physical life of the prisoners? (4) What are the religious opportunities? (5) What system of parole or conditional release does your state offer? (6) What facts can you present showing the life of prisoners under parole? (7) What reforms are in progress in your state touching (a) the inspection and standardizing of prisons; (b) psychological study of convicts; (c) compulsory education; (d) pardoning boards? (8) What laws are pending before the legislature touching prison reform? (9) What use does your church make of "Prison Sunday"?

III. *Concerning juvenile courts.*—(1) How many children annually pass through the juvenile court of your city? (2) How many children are annually cared for by probation officers, voluntary workers, protective leagues, or boards of guardians? (3) What is the number of children of school age? (4) What is the number of children attending school? (5) What is the number of children

engaged in street trades and occupations? (6) Give a table showing the parental conditions of delinquents in children's courts. (7) How many cases before the juvenile court were (a) dependent; (b) delinquent? (8) How many cases before the juvenile court were (a) fined; (b) put on probation; (c) placed in institutions; (d) dismissed? (9) How many children were before the court more than once? (10) What offenses were charged against delinquent children? (11) How many parents were before the court for neglect or mistreatment of children? (12) Were delinquent children placed in (a) detention homes; (b) county jails; (c) reformatories; (d) paroled or dismissed? (13) What evidence of the neglect of childhood do the records of the juvenile court reveal? (14) Are the children under sixteen years of age in your city tried in the criminal court and given criminal sentences?

The study of the life-work of modern prison reformers combined with an insight into local conditions will unerringly produce in intelligent church members a conviction that a specific work is necessary, and their attempts to perform this work will be the best guide to larger efforts. The facts well understood are a guide to their own solution.

The city church should have groups of young people and adults organized under competent leadership to study the subject of crime in all its bearings. The outline presented in the foregoing paper on the problem of crime is suggestive of the range of the discussion. Additional subjects can easily be stated, among which the following are pertinent:

Classification of criminals according to their inborn and acquired dispositions.

The relation of crime to insanity and the legal treatment of insane criminals.

Eugenics and the criminal population.

The value of expert medical testimony in criminal cases.

Ethical questions involved in the defense of criminals before the court.

Is volunteer work profitable in the treatment of juvenile offenders?

Is it possible to eliminate crime from human society?

Is social responsibility superior to individual responsibility?

The group which makes a study of the subject should also render a service to the community in some of the following methods:

Lectures and addresses upon law enforcement and good government.

Educational and religious work for confined prisoners.

Active assistance in rescue missions.

Religious extension in destitute portions of the community.

Organized club work for neglected children, those of criminal tendencies, those under parole in juvenile courts, and border-line cases.

Work in connection with children's protective associations, amusement centers, supervised playgrounds, schools for truant and retarded children.

Active co-operation with all organized agencies of social reform.

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VII. QUESTIONS

1. Why should the city church assume any responsibility in the cure and prevention of crime ?

2. Discuss the causes of crime that lie in the individual.

3. Discuss the causes of crime that lie in the environment.

4. Is a uniform criminal law possible and desirable in the United States ?

5. What is the effect of the just and reasonable enforcement of the law upon criminality ?

6. What protection should society give to the children of the nation ?

7. What prevention of crime is to be found in a life vocation and what social duty arises out of this fact ?

8. Discuss the power of education as a method of social prevention.

9. In what methods of penal reform are you especially interested ?

10. What methods of the social cure of crime are in operation in your city ?

11. What are the educational and religious forces at work in the jails, prisons, and reformatories of your city ?

12. To what extent do members of your church enter into the study of the problem of crime ?

13. What active co-operation do members of your church give to movements of law enforcement, protection of children, and social reform ?

14. What can the organized church do in eliminating crime from human society ?